IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.311 OF 2006

Fakir Mohmad Dagaubhai Shaikh ..Appellant.
Vs.
Bashir Dagadubhai Shaikh & Anr. ..Respondents.

Mr.S.M.Mhamane, adv. for the Appellant.
Mr.Sachin Gite, adv. for the Respondent No.1.

CORAM : J.H.BHATIA, J.
DATE : SEPTEMBER 17, 2007.

P.C.:

1. Heard the learned counsel for the appellant, who is original defendant no.1.

2. Admittedly, the plaintiff/respondent and the defendant/appellant are real brothers and they are Muslim by religion. The disputed property, which includes agricultural land was the property of their father. The plaintiff filed the suit for partition of that property and his separate share after the death of his father. There appears no dispute that the brothers get half share each in the suit property left behind by their father. The trial Court passed the decree for partition. The trial Court also directed that the agricultural land be partitioned by the Collector or his subordinates taking into consideration the provisions of Bombay Prevention of Fragmentation and

Consolidation of Holding Act and Section 54 of the Civil Procedure Code. The appeal preferred by the defendant no.1 came to be dismissed. This is second appeal preferred by the defendant no.1.

3. Taking into consideration the admitted facts and concurrent findings of the Courts below, I find no substantial question of law involved in the matter.

4. Appeal stands dismissed summarily.

[J.H.BHATIA, J.]